

IN THE CLAIMS:

Claim 1 (currently amended): A data recording device being adapted to record a series of image data or voice data in a memory as a file, and to manage a plurality of files recorded in the memory with a predetermined directory structure,
the data recording device comprising:

specifier for specifying a file to be deleted in response to a file deleting manipulation by the user,

file mover for moving the file to be specified as deleted to a predetermined temporary delete folder,

judge for, in recording data, calculating remaining capacity of recording area of the memory and judging whether the series of data to be recorded can be recorded,

first data writer for writing the series of data to the recording area when the judge determines that the series of data can be recorded,

second data writer for deleting at least one file included in the temporary delete folder to enlarge the recording area, and writing the series of data to the recording area when the judge determines that the series of data cannot be recorded, and

file restorer for restoring a specified file from the temporary delete folder to an original directory position in accordance with the user's file restoring manipulation, the file restorer comprising:

judge for determining whether a file having the same file name as that of the

specified file is present in the memory, when the specified file is restored from the temporary delete folder, and

changer for changing the file name of the specified file to a file name different from any of the file names, if it is determined that file having the same file name is present in the memory.

Claim 2 (original): A data recording device according to claim 1 which comprises deleting date and time writer for writing to the memory as appended information of the file date and time when the file is deleted, and the second data writer deletes a file in order of deleting date and time in enlarging the recording area.

Claim 3 (original): A data recording device according to claim 1 which comprises file name grantor for granting a file name including a file number as increased every time the series of data is recorded to the memory, the second data writer deletes a file in order of file number in enlarging the recording area.

Claim 4 (canceled):

Claim 5 (currently amended): A data recording device according to claim [[4]] 1 which comprises retriever for retrieving a file to be restored from the temporary delete folder in accordance with the user's file retrieving manipulation.

Claim 6 (currently amended): A data recording device according to claim [[4]] 1 wherein the file mover changes an extension of the file to be specified as deleted to a specific extension in moving the file to the temporary delete folder, and the file restorer changes an extension of a file to be specified as restored to the original extension in restoring the file from the temporary delete folder.

Claim 7 (original): A data recording device according to claim 1 wherein the temporary delete folder is provided at a directory position which is not bound by a standard to be followed by a predetermined directory structure.